

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LESLIE BETHEL, *on behalf of herself and
all others similarly situated*,

Plaintiff,

-v.-

BLUEMERCURY, INC.,

Defendant.

21 Civ. 2743 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

The Court is in receipt of Plaintiff's Unopposed Motion for Approval of Class and Collective Action Settlement in the above-captioned matter. (Dkt. #78-79). The Court has reviewed the documents accompanying Plaintiff's motion, including Plaintiff's Memorandum of Law (Dkt. #79 at 16-30), and the parties' Settlement Agreement and Release (Dkt. #79-1 at 12-28). With regards to Plaintiff's accompanying Memorandum of Law, the Court is concerned about the lack of analysis of the impact of recent decisions of the U.S. Court of Appeals for the Second Circuit and the U.S. District Court for the Southern District of New York — in particular, the Second Circuit's decision *Moses v. New York Times Co.*, 79 F.4th 235 (2d Cir. 2023) — on Plaintiff's claims.

Accordingly, the Court hereby ORDERS Plaintiff to file a supplemental brief of no more than 10 pages on or before **November 3, 2023**, regarding the applicability of recent decisions of the U.S. Court of Appeals for the Second Circuit and the U.S. District Court for the Southern District of New York on Plaintiff's analysis of the fairness and reasonableness of the settlement

agreement, the requested payments for attorneys' fees and expenses, and the requested enhancement award.

SO ORDERED.

Dated: October 12, 2023
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Faila".

KATHERINE POLK FAILLA
United States District Judge